UNITED
NATIONS

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Economic and Social Council

Distr.
GENERAL

E/CN.4/1997/NGO/90
1 April 1997

ENGLISH
Original: FRENCH

COMMISSION ON HUMAN RIGHTS
Fifty-third session
Agenda item 10

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV)

[27 March 1997]

Situation of human rights in Turkey

1. The International Federation of Human Rights (FIDH) and its affiliate in Turkey, the Association for Human Rights (IHD) deplore the deterioration of the human rights situation in Turkey in 1996.

2. A striking development has been the Public Statement on Turkey issued on 6 December 1996 by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. In the preamble, the Committee recalls that, in its previous statement on Turkey in 1992, it had recommended various measures for improving the situation and ensuring that acts of torture in police custody ceased and were prosecuted if they persisted. The Committee notes, however, that the situation has not changed, the practice of torture in police custody remains widespread and that those committing acts of torture appear either to enjoy complete immunity or to be regarded with bewildering indulgence by public prosecutors. The Committee stresses that, contrary to the statements by the authorities, cases of torture are not isolated incidents but concern both political and ordinary prisoners, which confirms that it is a widespread practice.

3. Although circulars have been issued to the police by the responsible ministry, reminding police officers of their obligations, such as respect for human integrity and dignity, investigations conducted by the Committee in Turkey up to the end of 1996 showed that these circulars had remained dead letter and that failure to comply with them was not penalized in any way. It would be ill-advised of the authorities to attempt, as they are wont, to deny these irrefutable observations based on first-hand accounts, on-the-spot medical examinations and inspections of places of detention in several Turkish towns. The attitude of the Turkish authorities also raises serious doubts, as, although they may give a number of undertakings at the urging of the European authorities, those undertakings are seldom honoured.

4. While acts of torture and ill-treatment are reported and measures such as allowing any person in custody to be examined by a doctor if he so wishes are recommended to put an end to them, the Human Rights Foundation, which provides medical and psychological assistance to torture victims, is continually being prosecuted at the instigation of the Ministry of Foreign Affairs. It is taken to court either for non-compliance with the laws governing foundations or for offences against national security, on the grounds that the reports which were published contained allegations of imaginary acts of torture.

5. In the autumn of 1996, the Ministry of Foreign Affairs, seeking to persuade the international community that the necessary measures to improve the situation were being taken, announced a bill providing for significant reductions in the length of the custody period, including in the south-east regions where a state of emergency is still in force. However, as of March 1997, the bill had still not been voted on by Parliament.

6. It is impossible to give an exhaustive list of the many victims of ill-treatment and torture throughout Turkey, or of the virtual impunity or indulgence enjoyed by those responsible. However, two recent cases illustrate all too clearly that, far from improving, the situation has actually deteriorated. In January 1995, a number of Manisa high school students who sympathized with the extreme-left DHKP - C group were arrested by the police for the minor offences of distributing political tracts and writing slogans such as "down with fascism" on the school walls. While in custody, they were subjected to extremely brutal torture and forced to confess to acts more serious than those for which they had been arrested and which they had not, of course, committed. The acts of torture were officially authenticated, forcing the authorities to open an investigation of the police officers responsible. In January 1997, although the police officers had not yet been tried and were still at liberty, the schoolchildren were brought before the Izmir Security Court and given unbelievably heavy sentences on the basis of confessions extracted under torture. Five of them were sentenced to 12 years' and 6 months' imprisonment, one to 3 years and 9 months and four to 2 years and 6 months.

7. In July 1996, the trial of the 48 police officers charged with having delivered fatal blows to the 27-year-old journalist, Metin Götkepe, while he was in custody in January 1996, opened before the Istanbul Assize Court. None of the accused, not even the 11 facing the most serious charges, were ever placed in pre-trial detention. None of them saw fit - or was subsequently

summoned - to appear in court on the opening day of the trial. Moreover, for security reasons, the Istanbul Court was compelled to relinquish jurisdiction to the Aydin Court. The Aydin judges in turn decided that they could not hear the case and referred it to the Afyon Assize Court. At the opening session on 22 November 1996, the proceedings were adjourned sine die and were finally opened on 9 February 1997, in the absence of the accused, who again had not seen fit to appear in court. The lawyers of Metin Götkepe's family requested the assistance of European lawyers. The defence opposed this on the grounds that the presence of their European colleagues in the court would be contrary to the national interest. The proceedings were again adjourned until April 1997 without the substance of the case being taken up.

8. Ninteen ninety-six was also unquestionably one of the most bloody years in the prisons. Between January and November 1996, 21 prisoners were beaten to death by prison officers and 10 died as a result of altercations with fellow prisoners. In addition to this already heavy toll, 12 prisoners died in July 1996 as a result of their hunger strike which the intransigence of the authorities failed to prevent. Finally, in September 1996, 10 prisoners were killed and 24 others seriously injured in a crack-down by security forces in Diyarbakir Prison.

9. Also in 1996, the number of disappearances again increased, with more than 200 cases being reported in a single year. The marked decline in extrajudicial executions is therefore no cause for celebration, as it has been replaced by this new method of elimination. No steps were taken by the authorities to conduct the investigations which the recurrence of such incidents warranted.

10. Last year also saw increases in the number of convictions of journalists, writers and intellectuals simply for having written or spoken on sensitive issues such as the Kurdish question, the armed conflict in the south-east or the role of the army. While article 8 of the anti-terrorist act has admittedly been used less often as an instrument of repression since it was amended, repression itself has nonetheless not declined, as the body of legislation on freedom of expression and opinion makes it possible to find alternative penalties. Yachar Kemal's suspended sentence of 20 months' imprisonment perhaps typifies most clearly this repression, which is unacceptable in a State calling itself a democracy. Yachar Kemal is someone of whom Turkey could be proud and his only fault was, like the others, to have written an article demanding the elementary freedoms of a democracy.

11. Nor are human rights activists spared. They are continually being prosecuted, the most frequent charge being the now catch-all one of offences against national security. For example, the President of the Diyarbakir section of IHD, who is actually a lawyer, was brought before the Security Court charged with deliberately endangering national security by preparing an appeal to the European Commission of Human Rights for a Turkish citizen. In addition, Akin Birdal, as President of IHD and a human rights activist, is currently facing about 10 charges of crime of opinion. The bewildering refusal of the Turkish authorities to receive representatives of international human rights NGOs is clear evidence of their deliberate unwillingness to move

forward on this issue. As the statement of the European Committee for the Prevention of Torture shows, there is every indication that the Turkish Government believes that it can get away with promises to its international partners and to governmental organizations.

12. FIDH and IHD deplore the fact that Turkey persists in invoking the charge of offences against Turkish national security as its only response to criticisms of its human rights record. We believe that such action deprives Turkey of all credibility, demonstrates its inability to justify the unjustifiable and displays its contempt for conventions which it has itself ratified.

13. While welcoming the visit to Turkey by the Commission on Human Rights Special Rapporteur on freedom of opinion and expression, FIDH and IHD believe that this should be a first step towards Turkey's acceptance of other special Commission on Human Rights procedures, in particular the requests to visit Turkey by the Special Rapporteur on extrajudicial, summary and arbitrary executions, the Special Rapporteur against torture and the Working Group on Enforced or Involuntary Disappearances. FIDH and IHD urge the Turkish authorities to invite them to visit Turkey without delay.

14. They call on the Commission on Human Rights to most firmly condemn human rights violations in Turkey and to set up machinery to monitor the human rights situation in that country.